

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

| | |
|--|---------------------------|
| ERIE INSURANCE COMPANY, | * |
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| | * |
| | * |
| | * |
| Plaintiff / Counter Defendant, | |
| | * |
| | * |
| | * |
| | * |
| vs. | * |
| | No. 3:19-CV-00375-TRM-HBG |
| | JURY DEMANDED |
| CLAIRE RAUSER AND CAROL RAUSER, | * |
| | * |
| | * |
| | * |
| | * |
| Defendants / Counter Plaintiffs | |
| | * |
| | * |
| | * |
| AND | * |
| | * |
| | * |
| CLAIRE RAUSER AND CAROL RAUSER, | * |
| | * |
| | * |
| | * |
| Third-Party Plaintiffs, | * |
| | * |
| | * |
| | * |
| vs. | * |
| | * |
| | * |
| HITSON INSURANCE, INC., BRYAN INSURANCE GROUP, MATTHEW BRYAN, AND MICHELE SELF, | * |
| | * |
| | * |
| | * |
| Third-Party Defendants. | * |

PRE-TRIAL DISCLOSURES OF ERIE INSURANCE COMPANY

COMES plaintiff / counter-defendant, Erie Insurance Company (hereinafter "Erie"), pursuant to the Amended Scheduling Order and Fed. R. Civ. P. 26(a)(3) as follows:

- (A)(i). The name, and if not previously provided, the address and telephone number of each witness – separately identifying those the party expects to present and those it may call if the need arises.

Erie expects to call the following witnesses:

1. Defendant / Counter-Plaintiff Clair Rauser – c/o. his attorneys, David Draper and Jared Garceau;
2. Defendant / Counter-Plaintiff Carol Rauser – c/o her attorneys, David Draper and Jared Garceau;
3. Third Party Defendant Matthew Bryan – c/o his attorneys, Robert Crawford, Jeff Hubbard and Nathaniel Moore;
4. Third Party Defendant Michele Self – c/o her attorneys, Robert Crawford, Jeff Hubbard and Nathaniel Moore;
5. Keith Doak (Erie) – c/o his attorneys, S. Morris Hadden and Caroline Ross Williams;
6. Sean Ragland (Erie) – c/o his attorney, S. Morris Hadden and Caroline Ross Williams;
7. Farron Bolton – 200 Fox Road, Knoxville, TN 37922; (865) 690-5000;
8. Heather Pace – 1413 Overton Lane, Knoxville, TN 37923; (865) 690-5000
9. Caitlin Cook – 5610 J. Riley West Drive, Greenback, TN; (865) 518-6127
10. Aaron Lehnert – 2811 E. Lamar Alexander Parkway, Maryville, TN 37804; (865) 388-6713
11. Bernd Heinze – 610 Freedom Business Center, Suite 110, King of Prussia, PA 19406; (610) 992-0001
12. Gregory Landes – 3314 Harrells Lane Drive, Baton Rouge, LA 70816; (919) 805-1762
13. James Mahurin – 207 Third Avenue North, Franklin, TN 37064; (615) 790-0083

Erie may call the following witnesses if the need arises:

1. Nicole Shields (Erie);
2. Mark Trigilio (Erie);
3. Leanne Berndt (Erie);
4. Byron Hartzler – 211 North Seneca Road, Oak Ridge, TN 37830; (865) 254-9198;
5. Josh Elam, Fulghum Macindoe & Associates, Inc. – 10330 Hardin Valley Road, Suite 201, Knoxville, TN 37932; (865) 690-6419;
6. Jonathan Miller Architects & Design, 4814 Old Kington Pike, Knoxville, TN; (865) 602-2435;
7. Johnson Architecture, Inc, 2240 Sutherland Ave #105, Knoxville, TN; (865) 671-9060;
8. Any witnesses identified by Defendant / Counter-Plaintiffs Claire and Carol Rauser;
9. Any witness identified by Third Party Defendants Matthew Bryan, Michele Self and Hitson / Bryan Agency.

(A)(ii). The designation of those witnesses whose testimony the party expects to present by deposition, and if not taken stenographically, a transcript of the pertinent parts of the deposition.

1. Reed Malm

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2. Matthew Peterson

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3. Lance Blair with the following designations of deposition testimony:

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4. James Mauhrin with the following designations of deposition testimony:

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5. Mark Trigilio with the following designations of deposition testimony:

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6. Leanne Berndt

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| 13 | 23-25 | 44 | 25 |
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| 26 | 10-15 | 50 | 3-25 |
| 28 | 8-25 | 51 | 9-25 |
| 29 | 9-25 | 52 | 1-7 |
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7. Nicole Shields

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(A)(iii). An identification of each document or other exhibit, including summaries of others evidence – separately identifying those items the party expects to offer and those it may offer if the need arises.

Erie expects to offer the following documents or exhibits at trial:

1. Certified copy of policies of insurance issued by Erie to Rausers (ERIE746-800)
2. ErieSecure Home Application (ERIE669-671);
3. Homeowners Insurance – Request a Quote (Exhibit 15 to depositions);
4. MSBs (ERIE7551-7554; ERIE7547-7550);
5. Hitson Insurance Checklist (Exhibit 19 to depositions)
6. Hitson Insurance Quote (Exhibit 20 to depositions)
7. Bolton Documents (BOLTON001-043);
8. Pinnacle Bank documents (including appraisal by Southern Appraisal Company);
9. Wall Street Journal Article (ERIE733-745);
10. Email and blank Hitson Insurance Quote for Homeowners Ins. (AGENCYFILE 296-297);
11. Email and completed Hitson Insurance Quote for Homeowners Ins. (AGENCYFILE 292-293);
12. Building Permit (ERIE668);
13. Email and ErieSecure home Quote (AGENCYFILE 282-286);
14. ErieSecure Home Application (AGENCYFILE 138-140);
15. Handwritten notes by Sean Ragland (Exhibit 78 to depositions);
16. Photographs (Exhibit 79 to depositions);
17. A&M Building Construction Contract (several revised versions)
18. Email and insurance quote (Exhibit 91 to depositions)
19. Emails between Cook to Rauser (ERIE2040-2043)
20. Records of Matthew Peterson, North Dakota insurance agent (MMA-CR-00001-104)
21. Email regarding insurance quote of \$3.5M (ERIE1126-34)
22. Cease and Desist letter
23. Background documents on Rauser companies (collective) (Exhibit 96 to depositions)
24. Construction invoices / receipts (ERIE2572-4598)
25. Erie accounting for construction invoices prepared by Morgan Johnson Carpenter;
26. Emails between Rauser and builders regarding completion (RAUSER018294-95; 018296-98; 018307-09; 018310-12; 018383-95; 018332-395)
27. Declarations Page for Rauser North Dakota residence MMA-CR-00015-17)
28. Email between Rauser and William Hirsch (RAUSER09870-73);
29. Rauser email (RAUSER011019);
30. Rauser change order (RAUSER010742-43);
31. Rauser email (RAUSER018291);
32. Rauser email (RAUSER018200);
33. Rauser email (RAUSER015854-016061) ;
34. Rauser email (RAUSER012605) ;
35. Rauser email (RAUSER017865-017448) ;
36. All documents produced in discovery by any party;
37. CV of Gregory Landes (Exhibit 95 to depositions);
38. Report of Gregory Landes;
39. CV of Bernd Heinze;
40. Report of Bernd Heinze;

41. CV of James Mauhrin;
42. Report of James Mauhrin;
43. Recorded statement of Claire Rauser (ERIE4683-4686);
44. Any other exhibits listed by any other party.

Erie may use the following exhibits if the need arises:

1. Deposition transcripts (including all exhibits) of all witnesses/parties taken in this action;
2. Transcript of Examination Under Oath (including exhibits) of Claire Rauser (ERIE402-665);
3. Documents of Byron Hartzler;
4. Documents of Jonathan Miller Architecture & Design;
5. Documents of Johnson Architecture, Inc.;
6. Opinion/Order by District Court of North Carolina in Relistar Life Insurance Company v. Laschkewitsch re: Motion to Exclude Daryll Martin
7. Erie Underwriting Guidelines (ERIE 6415-6439);
8. Erie Underwriting Procedure Manual (ERIE6440-6624);
9. Erie Property Procedure and Policy Manual (Exhibit 83 to depositions)
10. Reservation of Rights Letter, dated May 8, 2019 (Exhibit 34 to depositions);
11. Reservation of Rights Letter, dated May 21, 2019 (Exhibit 35 to depositions);
12. Proof of Loss (ERIE672);
13. Blueprints for Rauser construction.

ERIE INSURANCE COMPANY

By: /s/ S. Morris Hadden
S. Morris Hadden (BPR #: 000747)
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing *Pre-Trial Disclosures of Erie Insurance Company* has been served by United States Mail, postage prepaid, to the office of counsel of record, on this the 27th day of September, 2021, as follows:

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/s/ S. Morris Hadden
S. Morris Hadden